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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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8 UNITED STATES OF AMERICA,

Case No. 2:12-cv-0804-LDG-GWF

9 Plaintiff,

10 v.

11 ORDER

12 CLIVEN BUNDY,

13 Defendant.

14 On April 16, 2014, Michael Joseph Kearns filed a self-styled “Emergency Intervention of
15 Necessity to Protect the Land and People of the United States.” (#42) The Ninth Circuit requires
16 an applicant for intervention as of right under Fed. R. Civ. P. 24(a)(2) to demonstrate that

17 (1) it has a significant protectable interest relating to the property or transaction that is the
18 subject of the action, (2) the disposition of the action may, as a practical matter, impair or
19 impede the applicant’s ability to protect its interest, (3) the application is timely, and (4)
the existing parties may not adequately represent the applicant’s interests.

20 Chamness v. Bowen, 722 F.3d 1110, 1121 (9th Cir. 2013).

21 Applicant Kearns has failed to meet these requirements. Defendant Bundy filed an appeal
22 on August 9, 2013 (#37) from the order and judgment of this court entered on July 9, 2013 (#35
23 and #36). An appeal to the Ninth Circuit divests this court of jurisdiction over a motion to
24 intervene, see Assoc. General Contractors of California v. Secretary of Commerce, 77 F.R.D. 31,
25 35 (C.D. Cal. 1977), and the Ninth Circuit has dismissed Bundy’s notice of appeal (#41). Kearns’
26 filing, therefore, is not only untimely, but the court has no jurisdiction to grant it.

Even if the court had jurisdiction, Kearns' filing demonstrates no protectable interest that is the subject of this litigation, the disposition of which may impede or impair Kearns' asserted interest. Kearns claims a right as one of the free sovereign and independent people of the United States to represent the interests of the United States and remove this case to the Supreme Court for independent action. No such status or right exists.

THE COURT HEREBY ORDERS that Kearns' "Emergency Intervention of Necessity to Protect the Land and People of the United States" (#42) is DENIED.

DATED this 22 day of April, 2014.


Lloyd D. George
United States District Judge